

UNITED STATES DISTRICT COURT

FILED

October 09, 2024

for the

Southern District of Texas

Nathan Ochsner, Clerk of Court

United States of America

v.

Victor Zuniga, Jr.

Case No.

4:24-mj-447

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 29, 2022 - May 10, 2024 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 USC 2252A(a)(2)(B)

Receipt or distribution of child pornography

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Hong Nguyen, Jr. - FBI Special Agent

Printed name and title

Sworn to before me and signed by telephone

Date: 10/09/2024City and state: Bend, OR

Judge's signature

US Magistrate Judge Andrew M. Edison

Printed name and title

Print

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN THE MATTER OF:

Victor Zuniga, Jr.

§
§

Case No. **4:24-mj-447**

AFFIDAVIT IN SUPPORT OF APPLICATION

Your Affiant, Hong Nguyen, Jr., being duly sworn, deposes and says:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI). I have been a Special Agent of the FBI since May 2016. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest, and performing other duties imposed by law. I am currently assigned to the Child Exploitation and Human Trafficking Task Force and investigate crimes involving the federal violations concerning child pornography, sexual exploitation of children, kidnapping, and human trafficking. Prior to this assignment, I was a Supervisory Special Agent in Washington, D.C. who program managed cyber and counterintelligence investigations. Previously, I was assigned to the Houston Cyber Task Force and investigated crimes involving the unauthorized intrusion into a computer or network, including but not limited to computer intrusions, business email compromises, distributed denial-of-service attacks, hacktivists, ransomware, botnets, ATM jackpotting, criminal forums and carding shops, malware developers, cyber organized crime syndicates, complex money laundering networks, and financially motivated attacks. In addition, my assigned duties included targeting subjects and investigating Transnational Organized Crime syndicates through Organized Crime Drug Enforcement Task Force (OCDETF) investigations. Prior, I was assigned as a Digital Forensic Examiner at the Greater Houston Regional Computer Forensics Laboratory as member of the Computer Analysis Response Team (CART), where I worked a variety of matters, many of which included a significant cyber and child exploitation component. Previously, I served as a Database Administrator supporting the FBI's enterprise database systems and was a network support technician in the private sector. I have a Bachelor of Science in Computer Information Systems and a Master of Business Administration with a postgraduate certificate in Information Assurance. I have participated in cases involving child pornography and the sexual

exploitation of children. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography as defined in Title 18, United States Code, Section 2256, is:

"any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where - (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct." For conduct occurring after April 30, 2003, the definition also includes "(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct."

2. This Affidavit is made in support of a criminal complaint charging Victor Zuniga, Jr. with violating Title 18 U.S.C. § 2252A (a)(2)(B) - receipt or distribution of child pornography. I am familiar with the information contained in this Affidavit based upon the investigation I have personally conducted and my conversations with other law enforcement officers involved in this investigation, or who have engaged in numerous investigations involving child pornography.
3. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation, I have set forth only those facts that I believe are necessary to establish probable cause that evidence of a violation of Title 18 U.S.C. § 2252A (a)(2)(B) has been committed by Victor Zuniga, Jr. on or about January 29, 2022 through and including May 10, 2024. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.
4. On or around December 6, 2023, the Australian Centre to Counter Child Exploitation (ACCCE) provided the Federal Bureau of Investigation (FBI) with a series of Child Sexual Abuse Material (CSAM) pertaining to the ongoing exploitation of a private, by invitation only, forum on the dark web. The ACCCE provided four videos which were

posted/uploaded by the same partially identified user, later identified by FBI Houston as Arthur Hector Fernandez, III (Fernandez).

5. On or about December 18, 2023, Fernandez was arrested on a criminal complaint in violation of 18 U.S.C. 2251 – Sexual Exploitation of Children. On or about January 11, 2024, Fernandez was indicted on two counts of 18 U.S.C. 2251 – Sexual Exploitation of Children.
6. On or about February 23, 2024, FBI Houston obtained a search warrant for Fernandez’s iCloud account, arthurhector61@icloud.com. Upon reviewing the iCloud search warrant return, text messages between telephone number 346-314-6757 (“DEVICE”) and Fernandez were observed. Description of the conversations are below:
7. Between January 28, 2022, and November 2, 2023, Fernandez and the DEVICE exchanged approximately 342 text messages.
8. On or about January 29, 2022, DEVICE texted Fernandez “What’s up” and Fernandez replied, “Chillin u”. The DEVICE replied, “Jerking off” and “Help me bust papa”. Fernandez texted back “Same” and “Show me”. The DEVICE texted Fernandez “I’m not hard”, “Send me some videos to help me get it up”, and “Just a few to bust to real quick”. Fernandez asked the DEVICE, “Is this my pervy man”, in which the DEVICE replied, “Yes”. Fernandez proceeds to send two videos to the DEVICE that depicted the following child sexual abuse material (CSAM):
 - a. Fernandez sends the DEVICE approximately a 58-second video (-2565425540789594980.MP4) of an adult male who appears to digitally penetrate a child who appears to be between 5-9 years old. The child is nude and has a shirt pulled over their head. The adult male attempts to anally penetrate the child and appears to cover the mouth of the child to muffle their scream. Towards the end of the video, the adult male is speaking to the child as he continues to masturbate himself with his penis exposed and hold the child forcibly on the bed.
 - b. Fernandez sends the DEVICE approximately a one-minute and eight second video (4678103247167185135.MP4) of an adult male with an infant appearing to be between 1-4 years old. The infant is wearing only a diaper. The male is placing his erect penis underneath the diaper, but it is unclear if he is penetrating the infant's anus.

9. Fernandez texted the DEVICE, “Better” and the DEVICE replied, “A few more?” Fernandez sends two additional videos that depict CSAM. Fernandez sent approximately a 48-second video (6862159019518464448.MP4) to the DEVICE of an adult male anally penetrating a male child, between 2-6 years old, on a white bedspread with a red/brown and blue pattern. The child seems conscious but disorientated.
10. On the same date, Fernandez sent an approximately 40-second video (IMG_1912.MP4) to the DEVICE depicting a conscious though disorientated male between the ages of 12-16 laying naked on a bed. One adult male is standing at his head with his erect penis while another adult male is seen anally penetrating him. The DEVICE texted, “I love the first one”, in which Fernandez replied, “Me too”.
11. On or about March 14, 2022, the DEVICE texted Fernandez “Sup”. Fernandez replied “Sup” and the DEVICE texted he was “Jerking off”. Fernandez replied to the DEVICE, “Me to bby” and “U should have watched me last night”. The DEVICE texted Fernandez, “What you do last night”. Fernandez sends a photograph (IMG_1399.PNG) to the DEVICE depicting an adult male with an erect penis standing over a juvenile male, approximately 11-15 years old asleep on a brown leather couch. Fernandez tells the DEVICE, “That was last night”. The DEVICE texted Fernandez, “You didn’t take any videos?” The texts continues and Fernandez asked the DEVICE, “What u doin”, in which the DEVICE texted Fernandez, “Watching the video you sent”. Fernandez then replies, “I might cum rn”.
12. On or about April 24, 2022, the DEVICE asked Fernandez via text, “Where the little holes at??” and “You fucked one lately?”, in which Fernandez replied, “Yeah”. The DEVICE texted, “No invite? again :)” and Fernandez advised, “Wasn’t mine”. The DEVICE texted, “Who’s is it?” and Fernandez replied, “A guys I met”. The DEVICE texted Fernandez, “Ohh” and “I wanna join next time”.
13. On or about May 10, 2024, an administrative subpoena was served to T-Mobile, in pursuit of subscriber information associated with telephone number 346-314-6757, the DEVICE. The DEVICE was activated on or about May 26, 2017, under the name Victor N. Zuniga, using address 10137 Burman Street, Houston, Texas 77029. This was the DEVICE that communicated and received CSAM from Fernandez as summarized above.
14. On or about June 3, 2024, and July 17, 2024, FBI Houston contacted the National Center for Missing & Exploited Children (NCMEC) regarding any CyberTipline (“Cybertip”)


related to 346-314-6757, the DEVICE. Based on my training and experience, NCMEC Cybertip is a national central reporting system for the online exploitation of children. According to NCMEC, on or about May 10, 2024, Snapchat, also known as Snap, submitted a Cybertip of a multimedia file possibly depicting CSAM to NCMEC, regarding content that was associated with and posted or shared by a Snap account created by the DEVICE, email account v.zuniga.vz52@gmail.com, and Screen/User Name: victorz69. Specifically, Snap submitted the NCMEC Cybertip Report# 193294814. In the Cybertip Report, Snapchat indicated it did not review the image prior to submission to NCMEC; however, the summary of the NCMEC file categorization indicate the hash value from the file was classified as “CP (Unconfirmed)”. Based on my training and experience, CP is an acronym for child pornography.

15. On or about June 6, 2024, FBI Houston received records from Snap, Inc. (“Snap”) related to account victorz69. According to Snap records, the verified email address associated with this account was v.zuniga.vz52@gmail.com and verified phone number was 13463146757, the DEVICE. The Snap account was listed as active and created on or about November 23, 2013.
16. Affiant reviewed Texas Driver’s License (“TXDL”) records for Victor ZUNIGA (“ZUNIGA”), and it indicated his home address was 10137 Burman Street, Houston, Texas 77029. Affiant observed ZUNIGA’s emergency contacts were Esmeralda Zuniga and Victor Zuniga. Based on my training and experience, these individuals listed above appear to be relatives of ZUNIGA based on the surname. ZUNIGA also appears to be a Jr.
17. On or about July 9, 2024, Affiant reviewed records from Apple related to email account v.zuniga.vz52@gmail.com. According to the records, the subscriber was ZUNIGA with address 10137 Burman St, Houston, TX 77029, and the listed telephone number was 346-314-6757, the DEVICE.
18. FBI Houston conducted law database checks on ZUNIGA, in an attempt to identify any updated residential addresses. FBI Houston observed that ZUNIGA had an address listed at 1840 Richmond Avenue, #30, Houston, Texas 77098, associated with Global Star Properties (“GSP”).

19. On or about July 23, 2024, FBI Houston contacted GSP at 713-516-7404 and advised the GSP employee that the FBI was confirming ZUNIGA's residence. The GSP employee advised that ZUNIGA resided at the PREMISES. According to the GSP employee, ZUNIGA had an active lease and listed his phone number as 346-314-6757, the DEVICE.
20. On or about July 23, 2024, an individual who identified themselves as ZUNIGA contacted FBI Houston from telephone number 346-314-6757, the DEVICE, and spoke with Special Agent Roxell Howard. ZUNIGA advised SA Howard that he received a text that the FBI was looking for him in relation to a cyber-crime and wanted to know what was going on. ZUNIGA advised he had not shared his information with anyone that he thinks would have used it to commit any crimes. ZUNIGA advised he had not noticed any weird activity related to his online presence and no one he knew had reached out to him with any issues. ZUNIGA was open to being contacted again regarding this matter.
21. On or about July 26, 2024, Affiant reviewed records from Google and learned that ZUNIGA's email account was v.zuniga.vz52@gmail.com and listed his recovery SMS account as +13463146757, the DEVICE. The account was active and was created on or about May 26, 2015. Based on my training and experience, a recovery SMS can be used to reset passwords or used if two factor authentication is enabled.
22. On or about August 27, 2024, Affiant executed a search warrant for Cybertip #193294814 and Affiant subsequently reviewed a Snap video file (victorz69-None-a81efdf5-1517-563c-a446-bb15efcaae10~38-0dbabdd1ef-content.mp4). The video was approximately a 55-second video, depicting an adult male, who is nude and has his erect penis exposed, engaging in anal sex with an adolescent boy. The adolescent boy wore a white top, with colored skulls and his penis was exposed. The adult male appears to be standing, with the adolescent boy bent over being anally penetrated. The camera view appears to be on the ground facing upwards, which revealed the sex act and the genitalia of both the adult male and adolescent boy. As previously discussed, the Snap account belonged to ZUNIGA and this file meets the Federal definition of child pornography.
23. On or about September 20, 2024, FBI Special Agent Thelma Donchig and Houston Police Department TFO David Nieto conducted surveillance and knocked on the door of the PREMISES under the guise of a potential traffic violation that allegedly occurred on July 4, 2024 in Galveston, Texas. SA Donchig and TFO Nieto encountered an individual who

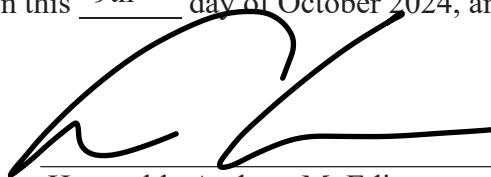
matched the photo seen in ZUNIGA's TXDL, identified himself as ZUNIGA, and stated that his telephone number was 346-314-6757, the DEVICE.

24. On or about October 8, 2024, Houston FBI agents and TFO personnel went to ZUNIGA's residence to execute a search warrant at 1840 Richmond Avenue, #30, Houston, Texas 77098, but ZUNIGA did not appear to be on location. TFO Nieto contacted ZUNIGA at 346-314-6757, the DEVICE, and left a message requesting a call back. ZUNIGA called TFO Nieto from 346-314-6757 and advised he relocated. ZUNIGA texted TFO Nieto his new address, which was 19710 Cherry Oaks Ln, Humble, Texas 77346 from telephone number 346-314-6757, the DEVICE. Later that day, ZUNIGA met with FBI and TFO personnel at the HEB parking lot, located at 7405 FM-1960, Humble, Texas 77346. During the meeting, TFO Nieto called telephone number 346-314-6757, and observed the DEVICE was on ZUNIGA's person.
25. During a post-*Miranda* interview with ZUNIGA, he admitted that telephone number 346-314-6757 was his number since around 2016. ZUNIGA admitted his former Snap account was victorz69. As previously stated, Snap account victorz69 was associated with Cybertip #193294814, which depicted CSAM. ZUNIGA further acknowledged knowing Fernandez and to receiving child pornography from Fernandez.
26. Based upon the information delineated above, I believe that probable cause exists for the issuance of a Criminal Complaint charging Victor Zuniga, Jr. with a violation of Title 18 U.S.C. § 2252A (a)(2)(B) - receipt or distribution of child pornography.



Hong Nguyen, Jr.
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to telephonically on this 9th day of October 2024, and I find probable cause.



Honorable Andrew M. Edison
United States Magistrate Judge